

REMARKS

This is in response to the Office Action mailed 3/10/03 (Paper No. 8). Claims 1-5 and 7-9 have been amended above. Claims 1-9 remain pending in this application.

The Examiner has objected to the Specification. A replacement Abstract has been provided on a separate page attached hereto to overcome the objection.

The Examiner has objected to claims 1, 2, 5, and 7-9. Claims 1, 2, 5 and 7-9 have been amended to overcome the objection. It is noted that the amendments to the aforementioned claims to overcome the objections listed in the instant action are not amendments made for any patentability reasons whatsoever, and have been made entirely in order to expedite prosecution of the application.

Claims 3-5 and 9 have been rejected under 35 U.S.C 112, second paragraph as being indefinite. The Applicants respectfully disagree and note that the test for definiteness under 35 U.S.C. §112, second paragraph is whether a person skilled in the art would understand the claim language in light of the specification and drawings. Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 1 USPQ2d 1081 (Fed. Cir. 1986). Definiteness of claim language must be analyzed, not in a vacuum, but in light of the content of the application disclosure (see MPEP 2173.02). Claims 3-5 and 9 meet this test because one skilled in the art reading the claims in light of the specification and drawings would clearly understand what the language of the claims means. Claims 3 and 9 recite that "a projection is provided in a front zone of each stop arm to engage said arms". There is nothing confusing about

this. As seen in the drawings, the projection 16, 17 is provided in a front zone of the arm for a user to engage the arm. The language of Claims 3 and 9 can be clearly understood and is definite under 35 U.S.C. 112, second paragraph.

Claims 1 and 3 have been rejected under 35 U.S.C. 102 as being anticipated by Kuwata et al. (hereinafter Kuwata). The Applicants respectfully disagree.

Claim 1 recites that on a side opposite the hinged side, the closing cover includes two stop arms located away from lateral edges of the closing cover and adapted to be folded against one another to cause the cover to open. Kuwata does not anticipate the features called for in claim 1. As seen best in Fig. 1, Kuwata discloses a cover section 3 having engaging arms 15A and releasing arms 15B. The engaging arms 15A and releasing arms 15B are located on the lateral sides of the cover section 3. The cover 3 is hinged at the rear or back side of the cover. Clearly, the lateral sides of the cover section 3 in Kuwata where the engaging and release arms 15A, 15B of the cover section are located are not sides of the cover opposite to the hinged back side of the cover. The front side, opposite the hinged side in Kuwata has no stop arms. Claim 1 by comparison recites that it is on the side of the cover opposite the hinged side that the stop arms are located. This is not so in Kuwata. Further, as seen in Figs. 1 and 4, the engaging and releasing arms 15A, 15B of the cover section 3 in Kuwata are located at or on the lateral edges of the cover section. In contrast, claim 1 recites that the stop arms are located away from the lateral edges. In addition, claim 1 recites that the opposite stop arms are adapted to be folded against one another to cause the cover to open. This is not so in Kuwata. As seen in Fig. 5, in Kuwata the

releasing arms 15B are lifted upwards (not against opposing releasing arm 15B) to cause release of the cover section 3. When lifted upwards, the projection 17 on the releasing arms 15B cam sidewalls 7 outwards, resulting in release of projections 16 on engaging arms 15A. The engaging arms 15A do not appear to be deflected to release. Hence, in Kuwata neither the opposing engaging arms 15A nor the opposing releasing arms 15B are deflected against one another as also called for in claim 1. Claims 1-7 are patentable over the cited prior art and should be allowed.

Claims 2, 6, 8 and 9 have been rejected under 35 U.S.C. 103 as being unpatentable over Kuwata in view of Matsuoka. The Applicants respectfully disagree.

It is respectfully submitted that when considering the disclosures in Kuwata and Matsuoka in their entirety as they must be, it would not have been obvious (i.e. there would not have been any motivation) for one skilled in the art to combine these references, because the cover section 3 in Kuwata and the retaining bars 8 in Matsuoka are structurally so disparate and operate in very different ways. As seen in Fig. 1 (a marked up copy of which is attached hereto for the Examiner's convenience), in Kuwata the pair of flexible arms, each carrying releasing arms 15B of cover section 3 are tied together by a cross span along the front of the cover section. It is the front cross span member that enables the long/slender flexible arms with the releasing arms 15B to operate as disclosed in Kuwata and specifically as shown in Fig. 5. As seen in Fig. 5, to release the cover section 3, the flexible arms are bent upwards (in a plane orthogonal to the direction of disengagement of releasing arms 15B) by lifting on tab 14 and the cross span from which the

tab depends. As the flexible arms are bent upwards, the projections 17A on releasing arms 15B are pressed against upper edges 9A of hole 9 in side walls 7, camming the sidewalls 7 horizontally outward to release projection 17A as well as projection 16 on arms 15A. The camming action against sidewalls 7 causes an equal and opposite horizontal force on release arms 15B. This force is resisted by the cross span connecting the slender flexible arms carrying release arms 15B. Without this cross span connecting the slender flexible arms, the releasing arms 15B would not be capable of camming the sidewalls 7 out when the cover 3 is lifted as shown (i.e. the flexibility of the release arms 15B is much greater, because they are carried by the long/slender flexible arms, than the side walls 7) which would prevent release of the cover. By comparison, as shown in Fig. 6 in Matsuoka, the retaining bars 8 must be flexed inwards to both engage and release the retaining bars 8. This prohibits the use of a cross span member tying the retaining bars 8 together (as is otherwise used in the Kuwata cover). Hence, as the cover section 3 in Kuwata cannot operate without the cross span tying the flexible arms carrying release arms 15B, (i.e. as per Matsuoka), and the retaining bars 8 in Matsuoka cannot operate with a cross span tying the bars (i.e. as per Kuwata), then clearly it would not have been obvious to one skilled in the art to combine the disclosures in Kuwata and Matsuoka.

Further, even if combined as otherwise suggested by the Examiner (though the Applicant maintains that it would not have been obvious to do so) claims 8 and 9 would still be patentable. Claims 8 and 9 are similar in that both recite that the stop arms are located away from lateral sides of the closing cover, the stop arms being formed from two bars defining three slots formed in the cover that all open on one side of the cover. Neither

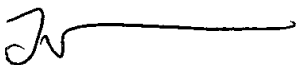
Kuwata nor Matsuoka disclose or suggest this. In Fig. 1 Kuwata discloses that cover section 3 has engaging and releasing arms 15A, 15B located on or at the lateral sides of the cover section 3. This is different than having the stop arms located away from the lateral sides of the cover as otherwise called for in claim 8. Also, engaging arms 15A depend from side sections of the cover section that define but two slots 13. Releasing arms 15B depend from the intermediate flexible arms that define slots 12 and 13. However, slots 13 open on two different sides of the cover and slot 12 does not open on any sides of the cover section 3. In Kuwata, there is no disclosure or suggestion of stop arms formed from two bars defining three slots in the cover that open on one side of the cover. D^r

Matsuoka also fails to disclose or suggest the features recited in claim 8. In Fig. 1, Matsuoka discloses retention bars 8, each with projecting pawl 7. The projecting pawl 7 is located on the outer edge of the corresponding retention bars 8, and the outer edges of the retention bars 8 form the lateral side of the retention bars 8. Hence, in Matsuoka the pawls 7 are located on or at the lateral sides of the retention bars. There is no disclosure or suggestion in Matsuoka of stop arms located away from lateral sides of the cover as called for in claims 8 and 9. Further, the retention arms 8 in Matsuoka define but one slot in the cover. Nowhere does Matsuoka make any suggestion of three slots much less three slots that all open on one side of the cover. Neither Kuwata nor Matsuoka disclose or suggest the features recited in claims 8 and 9. Hence, combining Kuwata and Matsuoka cannot possibly provide features that are not disclosed or suggested in either reference. Claims 8 and 9 are patentable over the cited prior art and should be allowed.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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6/2/03


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ABSTRACT OF THE DISCLOSURE

A chip card connector having a base frame (2) with integrated contact springs (3) and a closing cover (4) hinged from above, where the closing cover (4), presses the chip card inserted into the base frame (2), against the contact springs (3), projecting into the interior of the base frame and has on the side and opposite its axis of rotation, two stop arms with their indexing tips (9, 10) engaged in closed position under the shoulders (11, 12) provided on the edge of the base frame (2) opposite and able to be folded one against the other at the cover (4) in order to bring about its closure.